



MONTGOMERY COUNTY ETHICS COMMISSION

Steven Rosen
Chair

Kenita V. Barrow
Vice Chair

April 22, 2016

Advisory Opinion 16-03-004

You have inquired whether you are required to disclose on your financial disclosure report in Section 4, “Offices or Directorships in Entities Doing Business with the County”, those offices or directorships to which you have been assigned to represent the County as part of your official duties.

19A-19(a) of the Public Ethics Law describes the required content of financial disclosure reports. 19A-19(a)(5) specifically requires the disclosure of “each office [or] directorship . . . held at any time during the reporting period with any entity doing business with the County.”

You inquire as to whether you are required to disclose, pursuant to the requirement of 19A-19(a)(5), the positions to which you have been assigned by the Chief Administrative Officer to represent the County. These positions include Board Member on DC Water, Member of the Leadership Council for a Cleaner Anacostia River Committee and member of the following policy board and committees of the Washington Area Council of Governments: Member of the Metropolitan Air Quality Committee; Member of the Climate, Energy and Environment Policy Committee; and Member of the Chesapeake Bay and Water Resources Policy Committee. Assuming for purposes of this opinion that each of these positions constitute “offices” or “directorships”, the Commission advises that these positions are not required to be disclosed on your financial disclosure report.

The financial disclosure report is a tool for eliciting personal financial interest and relationship information in order for the public and for agency officials and the Ethics Commission to consider whether the personal interests conflict with the obligations the employee has as to the execution of the employee’s official position. The legislative findings and statements of policy for the ethics law focus on the impartiality and use of independent judgment and the avoidance of improper judgment, and to this end requires employees to “disclose information about their financial affairs.” 19A-2.

As you have set forth, your involvement with these organizations is not your financial affair but the affair of the County. Your involvement is as an employee of the County to carry out County activities that are part of your job duties. If you have been assigned by County officials to carry out duties that involve your taking a position as an officer or director of an organization that is comprised of representatives of governments to allow the County to collaborate with other

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government bodies with respect to issues in which the County has an interest, the Commission believes this participation is solely a function of your County duties and does not involve interests that require disclosure pursuant to 19A-19(a).

The Commission notes the scope of coverage of the conflict of interest prohibitions and exceptions recited in 19A-11 of the Public Ethics Law. While 19A-11(a)(2)(A) prohibits an employee from working on a matter if a party to the matter is a business in which the public employee is an officer or director, the exception in 19A-11(b)(4) exempts from the coverage of this prohibition a public employee if the County Executive (or County Council) appoints the public employee to serve as an officer or director of an organization to serve the public interest.

This opinion extends only to assignments to an office or directorship in organizations established and designed for the purpose of governments to work in mutual collaboration to address issues of mutual interest, as is the case with the organizations to which you have been assigned to participate.

For the Commission:



Steven Rosen, Chair